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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

MEMORANDUM

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DOCUMENT
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DATE FILED: 9/17/13

TO: **HONORABLE ROBERT P. PATTERSON**
Senior United States District Judge

FROM: **David T. Mulcahy**
U.S. Probation Officer

RE: **MARTINEZ, Geraldo**
Docket #: 10 CR01060 (RPP)

DATE: September 12, 2013

“COMING HOME PROJECT NOTIFICATION”
Request for Status Conference

Please be advised this memo is in reference to the “Coming Home” program which is a collaboration between Your Honor and the Probation Office whose goal is to “*target offenders with a high recidivism risk and place them under heightened judicial scrutiny.*” Offenders who are designated by the ***Post Conviction Risk Assessment (PCRA)*** tool to be in the “moderate or high” category are to have a Status Conference before the Court early on in their terms of supervision. The purpose of this appearance is to make sure that the offender is fully aware of what his responsibilities are to the Probation Office and the Court while under the auspices of community supervision and to establish concrete, goal-oriented strategies to ensure overall success on Supervised Release.

SENTENCE:

On August 15, 2011, Mr. Martinez appeared before Your Honor on one count of Conspiracy to Distribute and Possess with Intent to Distribute Cocaine. On that date, he was sentenced to thirty-seven (37) months’ imprisonment to be followed by four (4) years’ Supervised Release. Special conditions included Drug Aftercare, Search Condition and one-hundred (100) hours of Community Service.

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BUREAU OF PRISON ADJUSTMENT

According to the Bureau of Prison records, Mr. Martinez had four (4) disciplinary "incidents" during his period of incarceration. They included "Refusing to Obey an Order" (2), Being Insolent to Staff Member, Disruptive Behavior, and Phone Abuse. Mr. Martinez participated in educational programming including GED preparatory classes and he also worked in the Laundry Room.

Mr. Martinez was released from custody on July 12, 2013, to begin his term of Supervised Release.

SUPERVISION ADJUSTMENT:

Since his release from imprisonment, Mr. Martinez has made a poor adjustment to supervision.

On 9/5/13, Mr. Martinez was arrested for Possession of a Controlled Substance (hallucinogenic) in Bronx, County, New York. When confronted by this officer, he stated that he was caught smoking marijuana but not any other drug. These charges remain pending in Bronx Criminal Court. Mr. Martinez has failed to obtain full-time gainful employment and his efforts in this exercise have been suspect at best. On two (2) separate occasions, this officer conducted home visits in the late morning hours and both times, he was still sleeping or claimed he just woke up. On a recent office visit, this officer referred Mr. Martinez to Exodus, a vocational training/employment workshop program. He was instructed to call that day or early the following day. This officer followed up with a home visit the following day and asked if he had contacted the program and he stated that he "hadn't gotten around to it yet." Based on the Substance Abuse condition imposed at the time of sentencing, Mr. Martinez has been enrolled in the Random Urine Program (RUP) to ensure abstinence from all illegal drugs. A referral is pending for a community service site in order for Mr. Martinez to fulfill his community service requirements.

POST CONVICTION RISK ASSESSMENT (PCRA):

The following are the results of the PCRA as calculated by this officer:

Risk Category Federal Risk Screening Instrument Score: **HIGH**

- In this category, 74% of offenders have their supervision revoked and 42% are rearrested within the first 190 days from their initial assessment. If appropriate risk factors are effectively addressed, these failure rates decline in subsequent time periods.
- Dynamic Risk Factors Federal Needs Screening Instrument Indications: #1 Cognitions #2 Social Networks #3 Alcohol/Drugs Offender.

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The summary of the 'dynamic risk factors' include: COGNITIONS which reflect "antisocial attitudes/values as well as overall attitude toward supervision and change"; SOCIAL NETWORKS are inclusive of "presence or lack of family support, companions, and pro-social support"; ALCOHOL/DRUG OFFENDER determine if "substance abuse has negatively effected offender's life as it relates to home, school, work etc."

SUPERVISION PLAN:

This officer has met with Mr. Martinez and spoken at length with him on several occasions both in the office and at his residence. The overall impression from this officer is that Mr. Martinez does not appear to understand the gravity of his situation nor is he taking seriously the commitment that is necessary in order to be successful under supervision and life in general.

Based on the new arrest and subsequent admission of drug use, Mr. Martinez has been referred to outpatient substance abuse treatment at Daytop Village Bronx. There, he will attend individual and group therapy sessions on a weekly basis. The supervision "plan" going forward is to have Mr. Martinez attend and participate in EXODUS, a job training program that assists offenders in developing skill-sets that include preparing a professional resume, developing interviewing skills and acquiring other employment-related crafts. After completing the program, there is a job-referral component that matches participants up with suitable employers. Since Mr. Martinez was not able to obtain his GED while incarcerated, this officer will encourage him to attend GED classes in order for him to prepare for the exam. This officer will randomly drug test Mr. Martinez to make sure that he does not revert back to the use of drugs and any indication of such use would result in a treatment referral to address those needs. Finally, Mr. Martinez will be referred to a community service provider in order for him to fulfil his court-ordered obligation of one-hundred (100) hours.

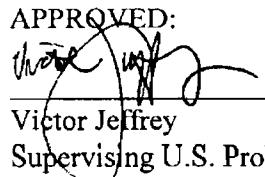
As per the criteria developed for the "Coming Home" program, this officer respectfully requests that Your Honor set a conference date where all parties can appear to address Mr. Martinez's term of supervision.

Very truly yours,

Michael J. Fitzpatrick
Chief U. S. Probation Officer

David T. Mulcahy
U.S. Probation Officer

APPROVED:


9/16/13
Victor Jeffrey
Supervising U.S. Probation Officer



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

Judicial Response

THE COURT ORDERS:

The Offender is directed to appear as follows:

Date: September 26, 2013

Time: 9:30 AM

Place: 500 Pearl St Court House
Courtroom 24A

A handwritten signature in black ink, appearing to read "R.P. Patterson".

Honorable Robert P. Patterson
Sr. U.S. District Judge

9/12/13
Date